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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002055

SIPDIS

DEPARTMENT FOR SA, SA/INS, S/CT; NSC FOR E. MILLARD

LONDON FOR POL/RIEDEL

E.O. 12958: DECL: 11-01-2002

TAGS: [PGOV](#) [PTER](#) [PINS](#) [PHUM](#) [CE](#) [NO](#) [TH](#) [LTTE](#)

SUBJECT: GSL says court judgment convicting LTTE leader in 1996 terrorist attack will not impact peace track

Refs: Colombo 2047, and previous

(U) Classified by W. Lewis Amselem, Deputy Chief of Mission. Reasons 1.5 (b, d).

1. (C) SUMMARY: A court has convicted LTTE leader V. Prabhakaran in absentia of planning a 1996 terrorist attack. The GSL has said the judgment will not affect the peace process. The LTTE has not yet formally reacted. The announcement came on the same day as GSL and LTTE negotiators sat down to begin their second round of talks. Based on initial soundings, the talks seem to have gotten off to a positive start. With Prabhakaran firmly ensconced in the jungle, the ruling has little practical impact, but it does complicate matters for the GSL in the long run. END SUMMARY.

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Court Ruling on Prabhakaran  
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2. (U) In a widely publicized October 31 ruling, a Sri Lanka trial court has convicted Liberation Tigers of Tamil Eelam (LTTE) leader V. Prabhakaran in absentia of planning a 1996 terrorist attack. The trial court judge sentenced Prabhakaran to 200 years in prison and a warrant was issued for his arrest. Three other low-level LTTE operatives were found guilty and given hefty sentences. Two of these three are currently in custody, while the other is believed to be "absconding" in LTTE-controlled areas. Pottu Aman, the LTTE intelligence chief, and three others were acquitted. This is believed to be the first time that Prabhakaran has been convicted by a Sri Lankan court. (Note: Along with other LTTE officials, Prabhakaran remains under indictment in India for the May 1991 murder of Rajiv Gandhi.)

3. (SBU) The case involved the January 31, 1996 bombing of the Central Bank building in downtown Colombo which killed 78 people. This attack was one of the most brutal LTTE terrorist attacks in Colombo. (Note: As is its pattern, the LTTE did not accept responsibility for the blast, but the incident had all the hallmarks of a LTTE attack and evidence eventually linked LTTE operatives to the crime.) Indictments of Prabhakaran and his LTTE associates were handed down in 1996.

4. (C) Against the backdrop of the peace process, it is not clear why the trial court judge ruled on the case at this time. Desmond Fernando, a well-known lawyer, told us that the case has been "meandering through the judicial process for years." Fernando speculated that the judge who made the ruling, Sarath Ambepitiya, might be against the peace process and trying to undermine it, but he was not sure. "It would have been easy for the judge to postpone his ruling in any case," Fernando said.

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GSL: No Impact on Peace Process  
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5. (SBU) The government was quick to announce that the ruling would have no impact on the peace process. Speaking in Thailand where he is participating in the second round of peace talks with the LTTE (see Para 7), G.L. Peiris, the Minister of Constitutional Affairs (among other portfolios), said he could not discuss the merits of the ruling itself. Peiris added, however, that he was "of the firm view that the court's decision would have no effect on the peace process."

6. (C) For its part, the LTTE did not have an immediate response to the verdict. Gajendran Ponnambalam, a Tamil National Alliance MP, told us that the LTTE might be "annoyed" by the ruling, but he did not think the group would opt out of the peace process over the issue. Ponnambalam noted that the court decision may have provoked some levity in the jungle bastions of the LTTE, with some in the group thinking "if that is how the

court feels then by all means try and come to arrest us!"

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Talks seem off to Positive Start  
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17. (C) The announcement came on the same day (October 31) as GSL and LTTE negotiators sat down to begin their second round of talks in Thailand (see Reftels). Based on initial soundings, the talks seem to have gotten off to a positive start. G.L. Peiris said the talks had been held in a "cordial and constructive" atmosphere. According to press reports, the major focus of the first day was ways to ease tensions between the Tigers and the Muslim community in the east. Ponnambalam said he had heard that the LTTE was "satisfied" with how the first day went. The talks are set to continue until Sunday, November 3, when they wrap up with a late afternoon press conference.

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COMMENT  
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18. (C) The ruling has little practical effect inasmuch as Prabhakaran -- surrounded by 15-20,000 armed and rabid supporters in jungle hideouts -- does not appear to be a likely candidate for arrest. That said, there is little doubt that the judgment complicates matters for the government in the long run. The ruling, for example, makes it even more difficult for the GSL to deal directly with Prabhakaran in the course of the peace process if it needed to -- and the LTTE leader already verges on the radioactive because of his many crimes. There are probably legal ways that the government could act to quash the verdict or obviate it, but these might provoke domestic opposition. The government, thus, could be put in a fix if/when the time comes that it needs Prabhakaran's imprimatur to seal some sort of peace deal. END COMMENT.

19. (U) Minimize considered.

WILLS